

# COMMITTEE AMENDMENT FORM

DATE: 1/30/08

COMMITTEE      ZONING      PAGE NUM. (S)

ORDINANCE I. D. #07-O-2536      SECTION (S)

RESOLUTION I. D. #08-R-      PARA.

AMENDS THE LEGISLATION BY ADDING NINE (9) CONDITIONS.

AMENDMENT DONE BY COUNCIL STAFF 1/30/08

**Conditions for U-07-39 for 600 Peachtree Battle Avenue, N.W.**

1. The maximum number of children shall be 180.
2. The hours of operation shall be from 7:30 a.m. until 6:30 p.m. Monday through Friday.
3. The Use Permit shall remain valid as long as the Suzuki School operates the facility in the existing building.
4. The Suzuki School agrees to limit the number of students on its campus to 185 , provided however, that the Suzuki School may have an enrollment that exceeds 185 when part-time students are considered. At no time will the Suzuki School have greater than 185 students on its campus.
5. The Suzuki School shall submit a landscape plan to the Bureau of Planning, for review and approval, depicting the Northside parking lot and the plan should clearly indicate the entrances.
6. The Suzuki School agrees to prohibit the use of the curb-cut on Peachtree Battle Avenue located on the south side of Peachtree Battle Avenue nearest the intersection of Northside Drive for ingress and egress provided that the City of Atlanta or the Georgia Department of Transportation make no improvements or changes to Northside Drive which would prevent full turning movement at the existing curb-cuts on the Suzuki property along Northside Drive. Should such improvements or changes be implemented which would so prevent egress to the North, or ingress from the South at the main entrance, Suzuki must reserve the right to utilize the Peachtree Battle curb cut described above.
7. The Suzuki School shall provide written evidence to the Bureau of Planning that it has instructed the parents at its facility when traveling west on Peachtree Battle Avenue approaching Northside Drive, to not make a left hand turning movement to travel south along Northside Drive.
8. The Suzuki School shall provide written evidence to the Bureau of Planning its efforts to petition the City of Atlanta and the Georgia Department of Transportation to address traffic concerns at the intersection of Northside Drive and Peachtree Battle Avenue.
9. The special use permit shall authorize a day care center, pre-kindergarten, kindergarten, or other facility for young children for the Suzuki School only. A transfer of the Special Use Permit shall be required, pursuant to Section 16-25.002(2), for any operator other than the Suzuki School. This condition does not prohibit the property owner from operating any such day care center, pre-kindergarten, kindergarten, or other facility for young children which may be lawful as an accessory use to the primary use on the subject property.



City Council  
Atlanta, Georgia

**07-0-2536**

AN ORDINANCE  
BY: ZONING COMMITTEE

U-07-39

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. Under the provisions of Section 16.05.005 (1) (b) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **DAYCARE CENTER**, is hereby approved. Said use is granted to **AHAVATH ACHIM CONGREGATION, INC.** and is to be located at **600 Peachtree Battle Avenue, N.W.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 155, 17<sup>th</sup> District, Fulton County, Georgia being more particularly described by the attached legal description and/or survey.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

LEGAL DESCRIPTION

RECEIVED  
NOV 13 2007

Bureau of  
Planning

V-07-039

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 155 OF THE 17<sup>TH</sup> LAND DISTRICT OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND ON THE WESTERLY RIGHT OF WAY LINE OF NORTHSIDE DRIVE (50' R/W) SAID IRON PIN BEING 450.00 FEET FROM THE INTERSECTION FORMED BY THE WESTERLY RIGHT OF WAY LINE OF NORTHSIDE DRIVE WITH THE NORTHERLY RIGHT OF WAY LINE OF WOODWARD WAY (50'R/W); THENCE CONTINUING ALONG THE WESTERLY RIGHT OF WAY LINE OF NORTHSIDE DRIVE NORTH 01 DEGREES 30 MINUTES 45 SECONDS EAST FOR A DISTANCE OF 639.09 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 60.00 FEET AND AN ARC DISTANCE OF 87.53 FEET SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 35 DEGREES 02 MINUTES 06 SECONDS WEST AND A CHORD DISTANCE OF 79.97 TO A POINT FOUND ON THE SOUTHERLY RIGHT OF WAY LINE OF PEACHTREE BATTLE AVENUE (50'R/W); THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE OF PEACHTREE BATTLE AVENUE ALONG A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 717.63 FEET AND AN ARC DISTANCE OF 90.30 FEET AND BEING SUBTENDED BY A CHORD BEARING OF NORTH 77 DEGREES 31 MINUTES 52 SECONDS WEST AND A CHORD DISTANCE OF 90.24 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 1,174.07 FEET AND AN ARC DISTANCE OF 73.03 FEET AND BEING SUBTENDED BY A CHORD BEARING OF SOUTH 86 DEGREES 40 MINUTES 33 SECONDS WEST AND A CHORD DISTANCE OF 73.02 FEET TO A POINT; THENCE SOUTH 84 DEGREES 04 MINUTES 57 SECONDS WEST FOR A DISTANCE OF 182.60 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 2,479.04 FEET AND AN ARC DISTANCE OF 331.49 FEET AND BEING SUBTENDED BY A CHORD BEARING OF SOUTH 79 DEGREES 52 MINUTES 47 SECONDS WEST AND A CHORD DISTANCE OF 331.24 FEET TO AN IRON PIN FOUND; THENCE LEAVING SAID RIGHT OF WAY LINE SOUTH 00 DEGREES 59 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 463.95 FEET TO AN IRON PIN FOUND; THENCE SOUTH 52 DEGREES 12 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 358.20 FEET TO AN IRON PIN FOUND; THENCE SOUTH 88 DEGREES 08 MINUTES 08 SECONDS EAST FOR A DISTANCE

OF 401.30 FEET TO AN IRON PIN FOUND ON THE WESTERLY RIGHT OF  
WAY LINE OF NORTHSIDE DRIVE AND **THE POINT OF  
BEGINNING.** SAID TRACT BEING IMPROVED PROPERTY  
CONTAINING 486,177 SQUARE FEET (11.15 ACRES) ACCORDING TO A  
SURVEY BY A.S. GIOMETTI AND ASSOCIATES DATED OCTOBER 27,  
2007.

RECEIVED  
NOV 13 2007  
Bureau of  
Planning

U-07-039

[illegible]